

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F039137      People v. Omar**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F039137      People v. Omar**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039360      People v. McGwire**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F039360      People v. McGwire**

The court's finding that appellant's 1981 conviction of assault with a deadly weapon was a strike is reversed. The matter is remanded for an evidentiary hearing on the issue of whether that conviction was a strike, and for resentencing if appropriate. Except as so modified, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040730      J.T. v. The Superior Court of Kern County; Kern County Department of Human Services,**

The petition for extraordinary writ is dismissed. This petition is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039911      Fresno Co. Dept. of Children & Family Services v. Serona Y.,**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F039911      Fresno Co. Dept. of Children & Family Services v. Serona Y.,**  
The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038660      Mauchley v. Ocwen Federal Bank**  
The judgment is affirmed. Levy, J.

We concur: Buckley, Acting P.J.; Detjen, PRO TEM, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040458      Kern Co. Dept. of Human Services v. Petra M.,**  
No brief or request for extension of time having been filed within  
the time provided, the appeal is dismissed.

**F037677      People v. Butler**  
The judgment is affirmed. Gomes, J.

We concur: Buckley, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]